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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and
Respondent,

v.

TERRANCE LIONEL
ROBBINS,

Defendant and
Appellant.

B291800

(Los Angeles County
Super. Ct. No. YA031673)

APPEAL from order of the Superior Court of Los Angeles County. Jose I. Sandoval, Judge. Affirmed.

Theresa Osterman Stevenson, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

In 1997, a jury found defendant and appellant Terrance Lionel Robbins guilty of second degree robbery (Pen. Code, § 211),¹ but found a firearm use allegation to be untrue. In a bifurcated proceeding, the trial court found true allegations that Robbins had incurred three prior serious or violent felony convictions within the meaning of the three strikes law (§§ 667, subds. (b)–(i), 1170.12, subds. (a)–(d)), and three prior serious felony convictions (§ 667, subd. (a)(1)).

On August 22, 1997, Robbins was sentenced to 35 years to life, consisting of a 25 years to life term under the three strikes law, plus two consecutive 5-year terms for the two prior serious felony convictions (§ 667, subd. (a)(1)). Robbins was awarded 314 days of presentence credits, consisting of 210 actual days and 104 conduct credits.

On May 24, 2000, Robbins was resentenced to 30 years to life, following a successful habeas corpus writ proceeding. His sentence consisted of a 25 years to life term under the three strikes law, plus one consecutive 5-year term for a prior serious felony conviction (§ 667, subd. (a)(1)). The court did not modify Robbins’s presentence credits.

On March 27, 2018, Robbins moved to correct the award of his presentence custody credits, arguing that he was due approximately 1,337 days of credit.

On June 13, 2018, the trial court granted the motion and awarded Robbins 1,217 days of credit, calculated as the

¹ All further statutory references are to the Penal Code unless otherwise indicated.

number of days between his original sentencing date on August 22, 1997, and the date of his resentencing on May 24, 2000, plus the 210 days actually served prior to his original sentencing date. The court ordered that the abstract of judgment be amended in conformance with its recalculation.

On July 26, 2018, Robbins appealed the trial court's June 13, 2018 order.

An amended abstract of judgment was filed on August 16, 2018, reflecting that Robbins was awarded 1,217 actual credits, but no conduct credits.

On December 5, 2018, and January 15, 2019, Robbins filed requests in the trial court, in accordance with *People v. Fares* (1993) 16 Cal.App.4th 954, 957–958 and section 1237.2, to correct the abstract of judgment to reflect an award of a total of 1,321 presentence credits including the 1,217 actual presentence credits, as recalculated by the court on June 13, 2018, plus the 104 conduct credits the court awarded at the original sentencing hearing in 1997.²

On January 17, 2019, the trial court ordered the abstract of judgment to be corrected as requested. An amended abstract of judgment was filed on January 23, 2019. The abstract of judgment properly reflected 1,321 presentence credits, but contained a clerical error regarding the date of Robbins's conviction. The trial court corrected

² We take judicial notice of Robbins's requests for correction of the abstract of judgment filed December 5, 2018, and January 15, 2019.

the clerical error and issued a new abstract of judgment on March 1, 2019.

We appointed counsel on appeal. On March 28, 2019, counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), raising no issues but asking this court to independently review the record for error.

We advised Robbins on March 29, 2019, of his right to file a brief or letter containing any issues he wishes this court to consider. No response has been received to date.

We have examined the entire record and find no arguable issues on appeal. (*Smith v. Robbins* (2000) 528 U.S. 259, 278–284; *Wende, supra*, 25 Cal.3d at p. 441.)

The June 13, 2018 post-judgment order is affirmed.

MOOR, J.

We concur:

RUBIN, P. J.

BAKER, J.